THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.NO.15488 of 2007:

Date:20.07.2007

Between:

D.Santosh Goud and two others .....Petitioners

And/-

The Excise Superintendent, Adilabad and five others

....Respondents.

ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents 1 to 5 in not considering the objections dated 16.07.2007 filed by the petitioners along with relevant documents like voters list of Baswapur village, village development committee certificate and ration card of Baswapur village in respect of issuance of tree for tapper (TFT) licence to the 6th respondent, as illegal and arbitrary.

It is the case of the petitioners that they are the TFT licensees in respect of Counter Nos.1 to 3 of Chityal village, Nirmal mandal, District Adilabad for the excise years from 01.04.2002 to 31.03.2007. It is stated that the said TFT counters which were expired on 31.03.2007 were also extended up to 30.09.2007 as per the government memo and the circular of the Commissioner of Prohibition and Excise. It is stated that while so, the 6th respondent made an application for grant of TFT licence in the said village of Chityala by enrolling his name as voter of Chityal

village and also obtained ration card. It is the case of the petitioners that, in fact, the 6th respondent is resident of Baswapur village from where he has taken ration card and his name was also enrolled in the voters' list with different sur-name.

I am not inclined to express any opinion whether the 6th respondent is the resident of Chityal village or not. But, when an objection is made, it is for the licensing authority/1st respondent to consider and dispose of the said application, dated 16.07.2007.

Having regard to the facts of the case, the 1st respondent is directed to consider and dispose of the representation of the petitioners, dated 16.07.2007 in respect of grant of TFT licence in favour of the 6th respondent after giving reasonable opportunity to the 6th respondent, in accordance with law.

V.ESWARAIAH,J

Date:20.07.2007
ccm

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